

IN THE COURT OF APPEALS OF MARYLAND
ADMINISTRATIVE ORDER ON STATUS AND *PER DIEM*
OF RECALLED JUDGES

WHEREAS, Maryland Code, Courts and Judicial Proceedings Article, § 1-302(d) and (f)(1) refers to “working days”, “180-day period”, “per diem”, and “each day [a judge] is actually engaged in the discharge of judicial duties” and provides that a former judge, recalled by the Court of Appeals, for temporary assignment “shall receive a *per diem* compensation for each day ... actually engaged in the discharge of judicial duties”; and

WHEREAS, The Study Group on Recalled Judges recommended to the Court of Appeals in an interim reported dated December 1, 2005, that “[a] *per diem* should be paid for each day that a recalled judge works, without being predicated on an 8-hour workday, and shall be counted toward the maximum based on date payment is earned”; and

WHEREAS, The Court of Appeals unanimously approved this recommendation at an Open Meeting of the Court held on November 6, 2006; and

WHEREAS, The Court also directed the Judiciary’s Department of Human Resources to prepare a proposal for the implementation of the Study Group’s recommendation to treat recalled judges as temporary employees rather than independent contractors;

NOW, THEREFORE, I, Robert M. Bell, Chief Judge of the Court of Appeals and administrative head of the Judicial Branch, pursuant to the authority conferred by Article IV, § 18 of the Maryland Constitution, do hereby order this 2nd day of May, 2007:

1. That, effective July 1, 2007, all former judges recalled for temporary assignment shall be paid a *per diem* for each day or part of a day for which the judge is in attendance

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at court, whether courtroom or non-courtroom time or for other judicial functions, such as committee work or judicial education approved in advance by the Chief Judge of the Court of Appeals; and

2. That the Administrative Office of the Courts give timely notice to all former judges currently approved for recall of the contents of this Order and procedural changes being effected to implement this Order; and
3. That the Administrative Office of the Courts shall present to the Court, on or before May 31, 2007, a report on treatment of recalled judges as temporary employees rather than independent contractors.

/s/ Robert M. Bell

Robert M. Bell

Chief Judge for the Court of Appeals of Maryland

Filed: May 2, 2007

/s/ Alexander L. Cummings

Alexander L. Cummings

Clerk

Court of Appeals of Maryland